

WEDNESDAY, MARCH 1, 1995

FOURTEENTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by the Reverend Ralph Hastings, First United Methodist Church, Fayetteville, Tennessee.

Representative Fowlkes led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Deberry J, Deberry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, , McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative McKee; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 512:** Rep(s). Patton, Stamps, Sharp, Cole (Carter), Ramsey, Peach, Beavers, McDaniel, Ford, Cantrell and Clabough as prime sponsor(s).

**House Bill No. 519:** Rep(s). Patton, Sharp, Stamps, McDaniel, Ford, and Cantrell as prime sponsor(s).

**House Bill No. 745:** Rep(s). Rinks as prime sponsor(s).

House Bill No. 897:	Rep(s). Curtiss as prime sponsor(s).
House Bill No. 1121:	Rep(s). Curtiss as prime sponsor(s).
House Bill No. 1378:	Rep(s). Bell as prime sponsor(s).
House Bill No. 1758:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1759:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1760:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1761:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1762:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1763:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1764:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1765:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1766:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1767:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1768:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1769:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1770:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1771:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1772:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1773:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1774:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	
House Bill No. 1775:	Rep(s). Kisber and Williams (Union) as
prime sponsor(s).	

House Bill No. 1776: Rep(s). Kisber and Williams (Union) as prime sponsor(s).

House Bill No. 1777: Rep(s). Kisber and Williams (Union) as prime sponsor(s).

House Bill No. 1778: Rep(s). Kisber and Williams (Union) as prime sponsor(s).

House Bill No. 1787: Rep(s). Kisber and Williams (Union) as prime sponsor(s).

**MESSAGE FROM THE SENATE**  
**February 28, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 112, 146, 221, 385, 427, 428, 430, 469, 473, 515, 589, 591, 597, 686 and 804; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

\*Senate Bill No. 112 -- Taxes, Real Property - Provides that recordation tax not due until title to property transferred by deed. Amends TCA 67-4-409. by \*Koella, \*Cohen.

\*Senate Bill No. 146 -- Municipal Government - Extends terms of incumbent Chattanooga city school board members because of 1997 consolidation with county system; members in office at time of charter vote shall remain until repeal takes effect unless intervening period is more than 3 years. Amends TCA Title 6, Chapter 53, Part 1. by \*Crutchfield.

\*Senate Bill No. 221 -- Education - Allows any school personnel to report delinquent acts by students to appropriate authorities, rather than only principal. Amends TCA Section 49-6-4209. by \*Haun.

Senate Bill No. 385 -- Estates - Increases from \$3,500 to \$5,000 amount of money bank may pay certain creditors when no executor or administrator of deceased bank depositor has qualified. Amends TCA 45-2-708. by \*Ford J.

\*Senate Bill No. 427 -- Emergency Communications Districts - Requires 911 district funds to be collateralized like state deposits or local government deposits. Amends TCA Section 7-86-126. by \*Rochelle.

\*Senate Bill No. 428 -- Local Government, General - Enacts "Emergency Financial Aid to Local Government Law of 1995." Amends TCA Title 9, Chapter 13, Part 2. by \*Rochelle, \*O'Brien.

Senate Bill No. 430 -- Intergovernmental Relations - Permits incorporated rescue squads that are not wholly supported by public funds to participate in interlocal agreements. Amends TCA Section 12-9-103. by \*Holcomb.

\*Senate Bill No. 469 -- County Officers - Authorizes county trustee in Knox County to receive compensation for receiving and distributing tax payments unless county legislative body adopts resolution by 2/3 vote; authority to receive such compensation ceases

on first day of month following adoption of resolution. Amends TCA 67-6-712. by \*Atchley.

**\*Senate Bill No. 473** -- Historical Sites - Directs division of archaeology to establish program to provide archaeological information to schools and other interest groups. Amends TCA Title 11, Chapter 6. by \*Atchley.

**\*Senate Bill No. 515** -- Marriage - Permits former county executives to perform marriage ceremonies. Amends TCA 36-3-301. by \*Miller J.

**\*Senate Bill No. 589** -- Banks and Financial Institutions - Revises process for determination of excise taxes allocated to local governments instead of intangible ad valorem assessments on financial institutions. Amends TCA Section 67-4-813. by \*Henry.

**\*Senate Bill No. 591** -- Public Funds and Financing - Increases threshold for publication of local government, general obligation and refunding bond issuance in New York newspaper from \$1 million to \$5 million. Amends TCA Title 9, Chapter 21. by \*Henry.

**\*Senate Bill No. 597** -- Alcoholic Beverages - Adds Stonehenge Golf Club located in Fairfield Glade as "premier type tourist resort" which enables such resort to allow consumption of alcoholic beverages on the premises. Amends TCA 57-4-102(17). by \*O'Brien, \*Cooper, \*Elsea, \*Rice, \*Haun.

**Senate Bill No. 686** -- Juries and Jurors - Provides that jury will not be sequestered unless specifically ordered by judge; does not apply where death sentence may be rendered. Amends TCA 40-18-116. by \*Wright.

**\*Senate Bill No. 804** -- Municipal Government - Adds municipal official to officials who must issue receipts for sums received in such official's capacity; makes duty of chief executive officer to procure receipt books; eliminates duty of printer of receipt books to supply list of receipt numbers to comptroller; permits official to dispose of receipt books after audit unless comptroller determines otherwise; permits municipal officials to pay for receipt books in same manner such officials pay for other office supplies. Amends TCA Section 9-2-103 and Section 9-2-105. by \*Henry.

**SIGNED  
February 28, 1995**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 46, 47, 50, 52 and 69.

**ENROLLED BILLS  
February 28, 1995**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 115.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**  
**February 28, 1995**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 85.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**February 28, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 85; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENROLLED BILLS**  
**February 28, 1995**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 71 and 74; also House Resolution(s) No(s). 6 and 17.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**February 28, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 71, 74 and 115; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**February 28, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 581; also Senate Joint Resolution(s) No(s). 53, 54, 55, 56, 74; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**  
**March 1, 1995**

The Speaker signed the following: House Joint Resolution(s) No(s). 71 and 74; also, House Resolution(s) No(s). 6 and 17.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**March 1, 1995**

The Speaker signed the following: House Joint Resolution(s) No(s). 115.

BETTY KAY FRANCIS, Chief Engrossing  
Clerk.

**SIGNED**  
**March 1, 1995**

The Speaker signed the following: House Joint Resolution(s) No(s). 85.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

March 1, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 85; with his approval.

HARDY MAYS, Counsel to the Governor.

**ENGROSSED BILLS**

March 1, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 18 and 132;

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 114** -- Memorials, Congress - Memorializes Congress to enact "Truth in Budgeting Act" which removes trust funds from general fund budget. by \*Cole (Dyer), \*Rinks, \*Fowlkes.

Finance, Ways and Means Committee

**House Joint Resolution No. 120** -- Naming and Designating - Free Enterprise Week, March 19-23, 1995. by \*Ridgeway, \*Kisber.

State and Local Government Committee

**\*House Joint Resolution No. 121** -- Constitutional Amendments - Ratifies proposed amendment to U.S. Constitution requiring balanced federal budget. by \*Purcell, \*Ridgeway, \*Naifeh, \*Hargrove, \*Rinks, \*Buck, \*Kisber, \*Robinson, \*Byrd, \*Davidson, \*Armstrong, \*Pinion, \*Head, \*Fitzhugh, \*White, \*Fowlkes, \*McDonald, \*Curtiss, \*Eckles, \*Langster, \*Ritchie, \*Tindell, \*Stulce, \*Turner (Hamilton), \*Lewis, \*Rigsby, \*Givens, \*Cole (Dyer).

Judiciary Committee

**House Joint Resolution No. 122** -- Memorials, Sports - Sterling Marlin, 1995 NASCAR Daytona 500 Winner. by \*Napier, \*White, \*Phelan, \*Williams (Williamson), \*Garrett, \*Hargrove, \*Kisber, \*Bell, \*Winningham, \*Phillips, \*Callicott, \*Fowlkes, \*Ramsey, \*Naifeh, \*Davidson.

Held on desk.

**RESOLUTIONS**

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 2, 1995:

**House Resolution No. 20** -- Memorials, Death -- Roscoe C. Heiskell. by \*Williams (Union).

**House Joint Resolution No. 123** -- Memorials, Public Service -- Roxie Mathison. by \*West, \* Jones S, \*Arriola, \*Robinson, \*Purcell.

**House Joint Resolution No. 124** -- Memorials, Recognition and Thanks -- Black Fox Chorus. by \*Bragg, \*Eckles.

**House Joint Resolution No. 125** -- Memorials, Sports -- Lascasses School basketball team, 1994-1995 Class AA state champions. by \*Bragg.

**House Joint Resolution No. 127** -- Memorials, Professional Achievement -- Dr. Fred Hurst, founder of FutrDOCS program. by \*Williams (Union), \*Boyer.

#### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1828** -- Sevier County - Repeals requirements that landowners wishing to subdivide property submit proposal for approval to commission's transportation committee, road superintendent, and emergency communications district; repeals requirement for approval of road construction and road names by county road superintendent and emergency communications district; repeals prohibition of filings with register without required approvals. Repeals Chapter 76 of the Private Acts of 1989. by \*Huskey.

**House Bill No. 1829** -- Henderson - Subject to local approval, authorizes hotel/motel tax. Amends Chapter. by \*Walley.

#### DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction, House Bill(s) No(s). 1830, was/were referred to the Delayed Bills Committee.

**House Bill No. 1830** -- Sullivan County -- Creates consolidated government charter commission; establishes procedure for referendum on proposed consolidated charter. by \*Venable.

#### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

\***Senate Bill No. 112** -- Taxes, Real Property - Provides that recordation tax not due until title to property transferred by deed. Amends TCA 67-4-409. by \*Koella, \*Cohen.

**\*Senate Bill No. 146** -- Municipal Government - Extends terms of incumbent Chattanooga city school board members because of 1997 consolidation with county system; members in office at time of charter vote shall remain until repeal takes effect unless intervening period is more than 3 years. Amends TCA Title 6, Chapter 53, Part 1. by \*Crutchfield.

**\*Senate Bill No. 221** -- Education - Allows any school personnel to report delinquent acts by students to appropriate authorities, rather than only principal. Amends TCA Section 49-6-4209. by \*Haun.

**Senate Bill No. 385** -- Estates - Increases from \$3,500 to \$5,000 amount of money bank may pay certain creditors when no executor or administrator of deceased bank depositor has qualified. Amends TCA 45-2-708. by \*Ford J.

**\*Senate Bill No. 427** -- Emergency Communications Districts - Requires 911 district funds to be collateralized like state deposits or local government deposits. Amends TCA Section 7-86-126. by \*Rochelle.

**\*Senate Bill No. 428** -- Local Government, General - Enacts "Emergency Financial Aid to Local Government Law of 1995." Amends TCA Title 9, Chapter 13, Part 2. by \*Rochelle, \*O'Brien.

**Senate Bill No. 430** -- Intergovernmental Relations - Permits incorporated rescue squads that are not wholly supported by public funds to participate in interlocal agreements. Amends TCA Section 12-9-103. by \*Holcomb.

**\*Senate Bill No. 469** -- County Officers - Authorizes county trustee in Knox County to receive compensation for receiving and distributing tax payments unless county legislative body adopts resolution by 2/3 vote; authority to receive such compensation ceases on first day of month following adoption of resolution. Amends TCA 67-6-712. by \*Atchley.

**\*Senate Bill No. 473** -- Historical Sites - Directs division of archaeology to establish program to provide archaeological information to schools and other interest groups. Amends TCA Title 11, Chapter 6. by \*Atchley.

**\*Senate Bill No. 515** -- Marriage - Permits former county executives to perform marriage ceremonies. Amends TCA 36-3-301. by \*Miller J.

**\*Senate Bill No. 589** -- Banks and Financial Institutions - Revises process for determination of excise taxes allocated to local governments instead of intangible ad valorem assessments on financial institutions. Amends TCA Section 67-4-813. by \*Henry.

**\*Senate Bill No. 591** -- Public Funds and Financing - Increases threshold for publication of local government, general obligation and refunding bond issuance in New York newspaper from \$1 million to \$5 million. Amends TCA Title 9, Chapter 21. by \*Henry.

**\*Senate Bill No. 597** -- Alcoholic Beverages - Adds Stonehenge Golf Club located in Fairfield Glade as "premier type tourist resort"



which enables such resort to allow consumption of alcoholic beverages on the premises. Amends TCA 57-4-102(17). by \*O'Brien, \*Cooper, \*Elsea, \*Rice, \*Haun.

**Senate Bill No. 686** -- Juries and Jurors - Provides that jury will not be sequestered unless specifically ordered by judge; does not apply where death sentence may be rendered. Amends TCA 40-18-116. by \*Wright.

**\*Senate Bill No. 804** -- Municipal Government - Adds municipal official to officials who must issue receipts for sums received in such official's capacity; makes duty of chief executive officer to procure receipt books; eliminates duty of printer of receipt books to supply list of receipt numbers to comptroller; permits official to dispose of receipt books after audit unless comptroller determines otherwise; permits municipal officials to pay for receipt books in same manner such officials pay for other office supplies. Amends TCA Section 9-2-103 and Section 9-2-105. by \*Henry.

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1826** -- Dandridge - Local Bill Held on Desk

Pursuant to **Rule No. 47**, the following Caption Bill(s) held on the Clerk's desk were referred to the following Committee(s):

**\*House Bill No. 1274** -- Motor Vehicles -- House Commerce Committee

#### REPORTS FROM STANDING COMMITTEES

The committees that met on **February 28, 1995** reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 1, 1995**: House Bill(s) No(s). 175, 512, 519, and 521.

The Committee set the following bills on the **Regular Calendar** for **March 2, 1995**: House Resolution(s) No(s). 3; also House Bill(s) No(s). 279, 345, 55, 491 and 93.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 1, 1995**: House Bill(s) No(s). 896 and 897.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 6, 1995**: House Bill(s) No(s). 337, 620, 4 and 147.

#### AGRICULTURE

The Agriculture Committee recommends for passage: House Bill(s) No(s). 851. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 269, 357 and 1021; also House Joint Resolution(s) No(s). 39 and 116. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 947 and House Bill(s) No(s). 599 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 622, 225 and 84; also House Bill(s) No(s). 621 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s) 121. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 417, 461, 438, 426, 446 and 434. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 285, 297, 224, 287, 409, 88, 341, and 975; House Joint Resolution(s) No(s). 20; also House Bill(s) No(s). 948 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 651. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

#### REPORTS FROM STANDING COMMITTEES

The committees that met on March 1, 1995 reported the following:

#### JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 327, 962, 162, 501 and 492; also House Bill(s) No(s). 782 and

578 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 817, 820, 299, 979, 193, 383, 1008, 1009, 1006, 598, 1189, 1097, 161 and 1146; House Joint Resolution(s) No(s). 56; also House Bill(s) No(s). 683, 483, 352, 348 and 3 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 296. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### CONSENT CALENDAR

**House Joint Resolution No. 117** -- Memorials, Professional Achievement - Dr. James Walker, MTSU President. by \*Bragg, \*Eckles.

**House Joint Resolution No. 118** -- Memorials, Professional Achievement - Coach Boots Donnelly, 1995 Tennessee Sportswriters Association Coach of the Year. by \*Bragg, \*Eckles.

**House Joint Resolution No. 119** -- Memorials, Death - John Edward "Jack" Norman, Sr. by \*Robinson, \*Purcell, \*West, \*Pruitt, \*Arriola, \*Coffey, \*Garrett, \*Halteman Harwell, \*Jones S, \*Langster, \*Odom, \*Hargrove, \*Callicott, \*Fowlkes, \*McDonald, \*Head.

**House Bill No. 896** -- Highway Signs - "The Angels Bridge," two bridges on U.S. 70S, Warren County. by \*Rhinehart (\*SB1121 by \*Cooper).

**House Bill No. 897** -- Highway Signs - "I.V. Hillis, Jr. Highway," segment of U.S 70S, Warren County. by \*Rhinehart, \*Duer, \*Curtiss (\*SB1119 by \*Cooper).

**Senate Joint Resolution No. 67** -- Memorials, Congratulations - Boy Scout Troop 129, 50th anniversary. by \*McNally.

On motion of Rep. Rhinehart, all members voting aye on **House Bill No. 897** will be added as sponsors, which motion prevailed.

On motion of Rep. Robinson, all members voting aye on **House Joint Resolution No. 119** will be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .  
.. . . .97

Noes. . . . . 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Deberry J, Deberry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 1131** -- Gordonsville -- Subject to local approval, removes prohibition on sale of intoxicating liquors. Amends Chapter 280, Acts of 1909. by \*Buck (SB1475 by \*Rocheille).

Further consideration of House Bill No. 1131, previously considered on February 27, 1995, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Buck moved that House Bill No. 1131 be placed on the Calendar for Thursday, March 2, 1995, which motion prevailed.

**\*House Bill No. 175** -- Highways, Roads and Bridges - Exempts Hawkins County from standard educational requirements imposed on county highway superintendent. Amends TCA Title 54, Chapter 7. by \*Givens (SB310 by \*Wallace).

Rep. Givens moved that House Bill No. 175 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 175 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-7-104(a), is amended by adding the following language as a new subdivision to be appropriately designated:

( ) In any county having a population of not less than forty-four thousand five hundred (44,500) and not more than forty-five thousand (45,000) according to the 1990 federal census or any subsequent federal census, the sole educational and/or experience qualification for the office of chief administrative officer of the county or metropolitan government departments which build and maintain

the roads of the county shall be a high school education or general equivalency diploma (GED).

On motion, Amendment No. 1 was adopted.

Rep. Williams (Union) moved to withdraw Amendment No. 2, which motion prevailed.

Rep. Williams (Union) moved adoption of Amendment No. 3. as follows:

**Amendment No. 3**

AMEND House Bill No. 175 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 54-7-104(a)(1), is amended by adding to the eighth and final sentence the following figures in the appropriate columns:

not less than  
26,100

nor more than  
26,400

On motion, Amendment No. 3 was adopted.

Rep. Givens moved that **House Bill No. 175**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Deberry J, Deberry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were -- Haley, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

**House Bill No. 512** -- Judges and Chancellors - Authorizes supreme court to relieve judge from performance of judicial duties while under indictment for felony or while there is pending any charge in court of the judiciary against such judge. Amends TCA Title 16, Chapter 3, Part 4. by \*Purcell, \*Buck, \*Jackson, \*Williams (Williamson), \*Hargrove (\*SB88 by \*Person, \*Jordan, \*Crowe).

Rep. Purcell moved that **House Bill No. 512** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .97  
Noes. . . . .0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Deberry J, Deberry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langston, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on **House Bill No. 512** and have this statement entered in the Journal: Rep(s). Brooks.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 519** -- Naming and Designating - Redesignates landscaped top surface area of Legislative Plaza embracing area once contained within Victory Park as "War Memorial Plaza"; directs department of general services in cooperation with legislative building facilities manager to erect suitable markers or affix suitable signs. by \*Purcell, \*Cross, \*Bell, \*Cole (Dyer), \*Bittle, \*Rinks, \*Hargrove, \*Chumney, \*Ridgeway, \*Naifeh, \*Newton, \*McDaniel, \*Ford, \*Cantrell, \*Patton, \*Sharp, \*Stamps (\*SB120 by \*Henry, \*Harper, \*Womack).

On motion, **House Bill No. 519** was made to conform with **Senate Bill No. 120**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 120** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .96

Noes. . . . . 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Deberry J, Deberry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 521** -- Tennessee Housing Development Agency - Permits transfer of excess funds in housing program reserve to fund operating costs, bond purchases, and to make grants; authorizes transfer when funds exceed \$15 million; imposes \$2 million limit; exempts funds received from federal government from limits. Amends TCA Title 13, Chapter 23, Part 4. by \*Purcell, \*Head, \*Kisber, \*Rinks, \*Hargrove, \*Chumney, \*Ridgeway, \*Turner (Hamilton), \*Kent, \*Cole (Carter) (SB817 by \*Dixon, \*Wallace, \*Crutchfield, \*Womack, \*Miller J, \*Rice, \*Leatherwood, \*Koella, \*Hamilton, \*Holcomb, \*Haynes, \*Person, \*Ford J, \*Harper, \*Rochele, \*Wilder, \*O'Brien, \*Burks, \*Cooper, \*Henry, \*McNally, \*Jordan, \*Cohen, \*Kyle, \*Gilbert, \*Haun, \*Crowe, \*Carter).

Rep. Purcell moved that **House Bill No. 521** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . . 95  
Noes. . . . . 1  
Present and not voting . . . . . 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, , Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Deberry J, Deberry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, , Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Bragg -- 1.

Representatives present and not voting were: Coffey and Shirley  
-- 2.

A motion to reconsider was tabled.

#### UNFINISHED BUSINESS

##### RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 126 out of order, which motion prevailed.

**House Joint Resolution No. 126** -- General Assembly, Joint Conventions -- Calls joint convention on March 2, 1995, for purpose of electing members of state election commission. by \*Purcell, \*Bittle, \*McDaniel, \*Ridgeway.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

##### RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 49 out of order, which motion prevailed.

**Senate Joint Resolution No. 49** -- General Assembly, Adjournment, Recess - Provides for adjournment of 99th General Assembly on March 30, 1995. by \*Burks.

On motion, the rules were suspended for the immediate concurrence in the resolution.

Rep. Purcell moved adoption of Amendment No. 1 as follows:

##### Amendment No. 1

AMEND Senate Joint Resolution No. 49 by deleting the language " Thursday, March 30, 1995" in the first resolving clause and by substituting instead the language " Wednesday, March 29, 1995" .

On motion, Amendment No. 1 was adopted.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

#### BILLS WITHDRAWN



On motion of Rep Curtiss, **House Bill No. 609** was recalled from the State and Local Government Committee and withdrawn from the House.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 3:** Rep(s). Turner (Hamilton) added as sponsor(s).

**House Joint Resolution No. 39:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 1:** Rep(s). Hassell as prime sponsor(s).

**House Bill No. 120:** Rep(s). Lewis as prime sponsor(s).

**House Bill No. 383 :** Rep(s). Roach as prime sponsor(s).

**House Bill No. 384 :** Rep(s). Roach as prime sponsor(s).

**House Bill No. 521:** Rep(s). Turner (Hamilton), Cole (Carter) and Kent as prime sponsor(s).

**House Bill No. 596:** Rep(s). Roach and Williams (Union) as prime sponsor(s).

**House Bill No. 600:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 601:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 602:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 604:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 631:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 649:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 651:** Rep(s). Coffey and Rigsby as prime sponsor(s).

**House Bill No. 1206:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 1257:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 1266:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 1267:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 1268:** Rep(s). Coffey and Peach as prime sponsor(s).

**House Bill No. 1274:** Rep(s). Davis, Stamps, Cantrell, Ford, Sharp and Ramsey as prime sponsor(s).

**House Bill No. 1393:** Rep(s). Roach as prime sponsor(s).

House Bill No. 1489: Rep(s). Roach as prime sponsor(s).  
House Bill No. 1665: Rep(s). Buck as prime sponsor(s).  
House Bill No. 1700: Rep(s). Pinion as prime sponsor(s).  
House Bill No. 1818: Rep(s). Roach as prime sponsor(s).  
House Bill No. 1819: Rep(s). Roach as prime sponsor(s).  
House Bill No. 1820: Rep(s). Roach as prime sponsor(s).

**ENGROSSED BILLS**  
**March 1, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 126.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**March 1, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 175, 512, 521, 896 and 897; also, House Joint Resolution(s) No(s). 117, 118 and 119.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**March 1, 1995**

The Speaker signed the following: Senate Bill No(s). 581; also, Senate Joint Resolution(s) No(s). 53, 54, 55, 56 and 74.

**ENROLLED BILLS**  
**March 1, 1995**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 86; also House Resolution(s) No(s). 18 and 19.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**March 1, 1995**

The Speaker signed the following: House Joint Resolution(s) No(s). 86; also, House Resolution(s) No(s). 18 and 19.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**March 1, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 67; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
March 1, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 86; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
March 1, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 126; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
March 1, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 72, 75, 76, 77, 79, 87, 95 and 111; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
March 1, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 10, 371, 553 and 833; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 10** -- Driver Licenses - Exempts active members of armed forces, spouse or dependent from obtaining Tennessee driver license if assigned to military installation located within state; establishes criteria for determining domicile. Amends TCA 55-50-304. by \*Rice.

**\*Senate Bill No. 371** -- Probate Law - Permits use of printed statements rather than canceled checks in situations in which estate's personal representative is bank, savings and loan association or credit union and in situations in which financial institution used does not return canceled checks; clarifies the types of fiduciaries who may disclaim interest in gift or who may be beneficiary. Amends TCA Title 30; 30-2-601; Title 31; 31-1-103; Title 34; 34-6-203; Title 35; 35-50-107; Titles 45, 67; 45-3-514; 45-4-405; 67-2-110; 67-4-409. by \*Cohen.

**\*Senate Bill No. 553** -- Municipal Government - Allows persons in certain municipalities to surrender or abolish charter under certain circumstances; allows, under certain circumstances, persons within certain unincorporated territories to incorporate even though such territory may be within three miles of existing municipality. Amends TCA Section 6-1-201 and Section 6-52-201. by \*Koella.

**\*Senate Bill No. 833** -- County Officers - Permits Shelby County to adopt checking system for disbursing of county funds by county trustee. Amends TCA 5-8-210(1). by \*Leatherwood.

**MESSAGE FROM THE SENATE**

March 1, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 61, 62, 63, 64, 65, 66, 68, 81 and 86; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 61** -- Memorials, Professional Achievement - Sarah Holloway, Cookeville's Writer of the Year. by \*Burks.

**Senate Joint Resolution No. 62** -- Memorials, Recognition and Thanks - James Carl Anderson, outstanding educator. by \*Burks.

**Senate Joint Resolution No. 63** -- Memorials, Death - Malcolm P. Quillen. by \*Burks.

**Senate Joint Resolution No. 64** -- Memorials, Public Service - James H. McKenzie, 1994 "Service Award" winner. by \*Burks.

**Senate Joint Resolution No. 65** -- Memorials, Recognition and Thanks - Mary Jo Lee Brinkmann, 25 years of service to 4-H. by \*Burks.

**Senate Joint Resolution No. 66** -- Memorials, Death - Len K. Mahler. by \*Burks.

**Senate Joint Resolution No. 67** -- Memorials, Congratulations - Boy Scout Troop 129, 50th anniversary. by \*McNally.

**Senate Joint Resolution No. 68** -- Memorials, Death - Dean Robert N. Murrell. by \*Harper.

**Senate Joint Resolution No. 81** -- Naming and Designating - "State of Inclusion Week," March 1; recognizes fifth anniversary of enactment of Americans with Disabilities Act. by \*Crowe.

**Senate Joint Resolution No. 86** -- Memorials, Death - Former Senator Leonard Dunavant. by \*Henry, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

#### ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Deberry J, Deberry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks,

Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, , McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**RECESS MOTION**

Rep. Purcell moved that the House stand in recess, pursuant to House Joint Resolution No. 115, to meet with the Senate in Joint Convention at 2:30 p.m. and for the Budget Address by the Governor at 3:00 p.m., after which the House recessed until 9:00 a.m., Thursday, March 2, 1995, which motion prevailed.